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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE WORLD TRADE CENTER  
DISASTER SITE LITIGATION

JOHN BAIANO, *et al.*,

Plaintiffs,

-against-

THE CITY OF NEW YORK, *et al.*,

Defendants.

**STIPULATED ORDER OF DISMISSAL  
WITH PREJUDICE PURSUANT TO  
FINAL SETTLEMENT AGREEMENT**

21 MC 100 (AKH)

THIS STIPULATED ORDER PERTAINS TO  
ALL PLAINTIFFS AND DOCKET  
NUMBERS SET FORTH ON EXHIBIT A

IT IS HEREBY STIPULATED AND AGREED by and between certain Plaintiffs represented by Barasch McGarry Salzman & Penson identified on Exhibit A hereto ("Plaintiffs"), and the Defendants identified on Exhibit B ("Settling Defendants") that:

1. Plaintiffs and Settling Defendants have entered into a settlement agreement resolving all claims by Plaintiffs against Settling Defendants in the above-captioned action.

2. Plaintiffs have executed releases and covenants not to sue in which Plaintiffs have released the Settling Defendants and each of them from any and all obligations and liability to Plaintiffs for past, present, and future injuries arising out of or relating in any way to World Trade Center-related rescue, recovery and/or debris-removal operations and/or clean-up at any location on and/or after September 11, 2001. Accordingly, Plaintiffs' claims against the Settling Defendants and each of them shall be dismissed, and hereby are dismissed, with prejudice;

3. The Primary Plaintiffs identified on Exhibit A also have executed before a notary public documents evidencing their understanding that they are foreclosed from suing the Settling Defendants or any of them in the future for currently unknown, future injuries arising out of or

relating in any way to World Trade Center-related rescue, recovery and/or debris-removal operations and/or clean-up at any location on and/or after September 11, 2001, regardless of whether such currently unknown, future injuries arise out of or relate in any way to the injury(ies) each Primary Plaintiff has pleaded in this action. Such understanding shall be, and hereby is, judicially noticed.

BARASCH MCGARRY SALZMAN & PENSON

PATTON BOGGS LLP

By: 

Edward Marcowitz, Esq.

*Attorneys for Plaintiffs*

11 Park Place, Suite 1801  
New York, NY 10007

By: 

James E. Tyrrell, Jr., Esq.

*Attorneys for all Defendants*

The Legal Center  
One Riverfront Plaza, Suite 600  
Newark, NJ 07102

Dated: February 24, 2011

Dated: February 8 2011

SO ORDERED, this 25 day of Feb., 2011,



ALVIN K. HELLERSTEIN  
United States District Judge

**Exhibit A – List of Plaintiffs**

No.	Primary Plaintiff		Derivative Plaintiff		Civil Action Nos.	Master Docket
	Last Name	First Name	Last Name	First Name		
1	Baiano	John			04cv09150	MC100
2	Bonvincino	John			04cv09151	MC100
3	Bou	John			04cv09152	MC100
4	Brannick	Kevin			04cv09153	MC100
5	Brown	Wayne			04cv09154	MC100
6	Carranante	Robert			04cv09155	MC100
7	Carpentier	Victor			04cv09156	MC100
8	Ceserano	Alan			04cv09157	MC100
9	Conlon	Michael			04cv09158	MC100
10	Costarella	Phyllis			04cv09159	MC100
11	Damitz	Gerald			04cv09160	MC100
12	Dinotte	Lenny			04cv09162	MC100
13	Donovan	Daniel			04cv09163	MC100
14	Edwards	Roy			04cv09164	MC100
15	Falcone	Joseph			04cv09165	MC100
16	Garcia	Nelson			04cv09166	MC100
17	Giordano	Anthony			04cv09167	MC100
18	Gutierrez	Rafael			04cv09169	MC100
19	Havel III	Otto			04cv09170	MC100
20	Henri	Robert			04cv09171	MC100
21	Johnson, III	Austin			04cv09172	MC100
22	Malave	Omar			04cv09173	MC100
23	Menoni	John			04cv09174	MC100
24	Nardiello	Mickey			04cv09175	MC100
25	Ozello	Frank			04cv09176	MC100
26	Pankey	John			04cv09182	MC100
27	Perry	Thomas			04cv09177	MC100
28	Rullan	Juan			04cv09178	MC100
29	Russo	Raymond			04cv09179	MC100
30	Shau	Lawrence	Shau	Kathleen	06cv15328	MC100
31	Snyder	George			04cv09180	MC100
32	Soloman	Alexis			04cv09181	MC100

**Exhibit B – List of Settling Defendants**

CITY OF NEW YORK, including the:	CRAIG TEST BORING
BOARD OF EDUCATION OF THE CITY OF NEW YORK	CRITICOM INTERNATIONAL CORP
BOROUGH OF MANHATTAN COMMUNITY COLLEGE	DAKOTA DEMO-TECH
CITY UNIVERSITY OF NEW YORK	DESIMONE CONSULTING ENGINEERS, PLLC
NEW YORK CITY DEPARTMENT OF EDUCATION	DCM ERECTORS, INC.
NEW YORK CITY SCHOOL CONSTRUCTION AUTHORITY	DIAMOND POINT EXCAVATION CORP
A RUSSO WRECKING	DIEGO CONSTRUCTION
ACROW	DIVERSIFIED CARTING
ALLCOM ELECTRIC	DMT ENTERPRISE
AMEC CONSTRUCTION MANAGEMENT, INC.	D'ONOFRIO GENERAL CONTRACTORS CORP.
AMEC EARTH AND ENVIRONMENTAL	EAGLE LEASING & INDUSTRIAL SUPPLY (SEASONS)
ANTHONY CORTESE SPECIALIZED HAULING LLC	EAGLE ONE ROOFING CONTRACTORS, INC.
ASG PEST CONTROL	EAGLE SCAFFOLDING CO. (SEASONS)
ATC GROUP SERV/DBA ATC ASSOCIATES	EJ DAVIES, INC.
ATLANTIC HEYDT CORP.	EN-TECH CORP.
ATLAS CONCRETE	ENTERTAINMENT PARTNERS
AVANTI DEMOLITION & CARTING CORP.	ET ENVIRONMENTAL
BECHTEL CONSTRUCTION, INC.	EVERGREEN RECYCLING OF CORONA (EROC)
BERGEN CONCRETE CUTTING	EWELL W. FINLEY, P.C.
BERKEL & CO. CONTRACTORS, INC.	EXECUTIVE MED SERVICES, PC
BIG APPLE WRECKING & CONSTRUCTION	F&G MECHANICAL CORPORATION
BOVIS LEND LEASE LMB, INC.	FELIX EQUITIES, INC.
BREEZE CARTING	FLEET TRUCKING
BREEZE NATIONAL, INC.	FRANCIS A. LEE EXTERIOR RESTORATION
BRER FOUR TRANSPORTATION	FRANK MICELLI JR CONTRACTING
BURO HAPPOLD CONSULT ENG.	FTI TRUCKING
C & D FIREPROOFING	G & G CONTRACTING, INC.
C & D PAINTING, INC.	GILSANZ, MURRAY, & STEFICEK
C.B. CONTRACTING CORP.	GINO CRACOLICI & SONS, INC.
CANRON CONSTRUCTION CORP.	GOLDSTEIN ASSOCIATES PLLC
CANTOR SEINUK GROUP	GRACE INDUSTRIES
CERTIFIED FENCE CORP.	GUY NORDENSON AND ASSOCIATES
CIVETTA COUSINS	HALLEN WELDING SERVICE
CLARCO ENTERPRISE CORP.	HELMSMAN MANAGEMENT SERVICES, INC.
COMPONENT ASSEMBLY SYS	HGC CONTRACTING CORP.
COORDINATED METALS, INC.	HIGH RISE HOISTING AND SCAFFOLDING
CORD CONTRACTING CO., INC.	HIGH-RISE ELECTRIC, INC.